

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GERALD DWAYNE TEMPLETON, #13381-078	§ § § § § §	Case No. 6:19-cv-571-JDK-JDL Criminal Case No. 6:16-cr-33
v.		
UNITED STATES OF AMERICA		

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Gerald Dwayne Templeton's motion to vacate or correct his federal sentence under 28 U.S.C. § 2255. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

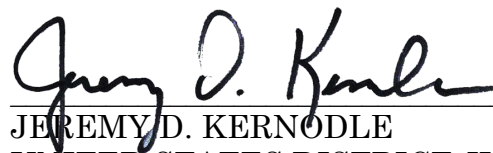
On March 15, 2021, Judge Love issued a Report recommending that the Court dismiss the motion without prejudice for lack of jurisdiction. Docket No. 8. The Report further recommended that a certificate of appealability be denied sua sponte. A copy of this Report was sent to Movant at the address he provided; however, it was returned to the Court as undeliverable. Docket No. 9. Local Rule CV-11(d) requires pro se litigants to keep the clerk advised of their current physical address.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Movant did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 8) as the findings of this Court. It is therefore **ORDERED** that Templeton's motion to vacate or correct his federal sentence is **DENIED** and this case is **DISMISSED WITHOUT PREJUDICE**. Further, a certificate of appealability is **DENIED**.

So **ORDERED** and **SIGNED** this **22nd** day of **April, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE